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**sanofi pasteur**

The vaccines business of sanofi-aventis Group

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**Fax**

To:  
Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
Facsimile: (703) 872-9306

From:  
Robert Yoshida  
Sanofi Pasteur Inc.

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This facsimile is 6 pages, including this cover page

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March 22, 2005

Appl. No.: 09/936,362  
Applicant: Sheena M. Loosmore et al.  
Filed: December 19, 2001  
Title: Recombinant Haemophilus Influenzae Adhesin Proteins  
TC/A.U.: 1645  
Examiner: Graser, Jennifer E.  
Confirmation No.: 3637  
Docket No.: 1038-1190 MIS:jb

This facsimile contains:

1. Transmittal Form (1 page)
2. Cover Letter (2 pages)
3. Copy of Notice of Abandonment (1 page)
4. Certificate of Transmission (1 page)

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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/936,362	
	Filing Date	December 19, 2001	
	First Named Inventor	Sheena M Loosmore	
	Art Unit	1645	
	Examiner Name	Graser, Jennifer E	
Total Number of Pages in This Submission	5	Attorney Docket Number	1038-1190 MIS:jb

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Cover letter to submit copy of Notice of Abandonment; copy of Notice of Abandonment; and Certificate of Transmission
Remarks The total number of pages of this submission includes this Transmittal Form.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sanofi Pasteur, Inc.		
Signature	<i>Robert Yoshida</i>		
Printed name	Robert Yoshida		
Date	March 22, 2005	Reg. No.	54,941

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 22 2005

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Appl. No.:** 09/936,362  
**Applicant:** Sheena M. Loosmore et al.  
**Filed:** December 19, 2001  
**Title:** Recombinant Haemophilus Influenzae Adhesin Proteins  
**TC/A.U.:** 1645  
**Examiner:** Graser, Jennifer E.  
**Confirmation No.:** 3637  
**Docket No.:** 1038-1190 MIS:jb

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Alexandria, VA 22313-1450  
Facsimile: (703) 872-9306

**NOTICE OF ABANDONMENT, MAILED OCTOBER 7, 2003****Sir:**

Attached herewith is a copy of the Notice of Abandonment, mailed October 7, 2003 and relating to above-identified patent application. This document was not attached to the Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) filed by the applicants on March 4, 2005 ("Petition"). Though the Notice of Abandonment did not state that a copy of it must be attached to and filed with the Petition, the applicants file it for the record.

The applicants respectfully request consideration and entry of this paper. Should the Examiner have any questions concerning this application, she is invited to contact the undersigned at (570) 839-5537.

Appl. No. 09/936,362

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Respectfully submitted,


Date: MARCH 22, 2005

By: Robert Yoshida

Robert Yoshida  
Reg. No 54,941

Aventis Pasteur, Inc.  
Intellectual Property - Knerr Building  
One Discovery Drive  
Swiftwater, PA 18370  
Telephone: (570) 839-5537  
Facsimile: (570) 895-2702

COPY

<b>Notice of Abandonment</b>	Application No. 09/936,382	Applicant(s) Loomore	
	Examiner Jennifer Graser	Art Unit 1645	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 26, 2003.

(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

(b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☒ No response has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.

(b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b) ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.


(c) ☐ No proposed new formal drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

  
 JENNIFER GRASER  
 PRIMARY EXAMINER  
 ART UNIT 1645

U.S. Appl. No. 09/936,362, filed Dec. 19, 2001  
Attorney Docket No. 1038-1190 MIS:jb

PTO/SB/97 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
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on 03/22/05  
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Signature

Robert Yoshida

Typed or printed name of person signing Certificate

54,941

Registration Number, if applicable

(570) 839-5537

Telephone Number

**Note:** Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

The following papers listed below are submitted:

Transmittal Form (1 page)

Cover Letter (2 pages)

Copy of Notice of Abandonment, mailed October 7, 2003 (1 page)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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